

Paper No. 1222
Disposes of
Paper No. 1211

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al) ORDER
- vs -) GRANTING THE WITHDRAWAL
) FROM THE FILES OF THE
ARAKI, Sadao, et al) TRIBUNAL OF EXHIBITS
) NOS. 3053 AND 3054
) FOR IDENTIFICATION ONLY.

This matter coming on to be heard on this 5th day of September, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of SOMIYA, Shinji and S. ALLEN ROBERTS, counsel for the accused OKA, Takazumi, for an order of the Tribunal granting leave to withdraw from the files of the Tribunal the original documents comprising Court Exhibits Nos. 3053 and 3054, heretofore presented and marked for identification only, and from which documents excerpts have been offered and received in evidence and identified as Court Exhibits Nos. 3053A, 3053B, 3054A, 3054B and 3054C respectively, which said original documents, to wit: Court Exhibits Nos. 3053 and 3054 for Identification only, are more particularly described as follows:

Exhibit No. 3053:

Book entitled "Collected Volume of
Headquarters' Instructions, Vol. II,
Navy Section"

Exhibit No. 3054:

Book entitled "Collected Volume of
Imperial Headquarters Instructions,
Vol. I, Naval Section"

said withdrawal of these original documents being for the purpose of returning them forthwith to the source from which they were obtained, to wit, Second Demobilization Bureau of the Japanese Government in Tokyo, Japan; and

It appearing to the Tribunal that the withdrawal of these documents, Court Exhibits Nos. 3053 and 3054 for Identification Only, as requested, will in nowise prejudice the rights of the Prosecution or the Accused, or any of them, and no substantial injustice will result thereby to the said Prosecution or the Accused, and it appearing further to the Tribunal that the Prosecution has consented to the granting of this application and the withdrawal of said exhibits, and the Tribunal having heard the statements of counsel and being fully advised in the premises, it is

ORDERED: That said application be and hereby is granted as prayed; and it is further

ORDERED: That said Court Exhibits Nos. 3053 and 3054 for Identification Only be withdrawn from the files of the Tribunal forthwith and returned to the source from which they were obtained, under the express term and condition, however, that said documents shall be returned to the Tribunal upon request in the event either the Tribunal, the Prosecution or the Defense should desire them for the purpose of this trial; and it is further

ORDERED: That excerpts from Court Exhibits Nos.

3053 and 3054 for Identification Only, to wit: Court Exhibits Nos. 3053A, 3053B, 3054A, 3054B and 3054C respectively, shall remain in the files and records of the Tribunal, and that this order in no respect affects their present status.

BY THE TRIBUNAL:

(signed)

W. F. Webb
PRESIDENT